

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

DMARCUS ANTONIO GASTON,	)	
	)	
Plaintiff,	)	Civil Action No. 4:16-cv-3296-TLW
v.	)	
	)	
KHATARI MCMILLAN	)	<b><u>ORDER</u></b>
	)	
Defendant.	)	
_____	)	

On September 30, 2016, Plaintiff Demarcus Antonio Gaston brought this action, *pro se*, pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. ECF No. 1. Defendant Khatarı McMillan filed a Motion for Summary Judgment on April 18, 2017. ECF No. 37. On April 19, 2017, Plaintiff was advised by Court Order that if he failed to respond, this action would be dismissed. ECF No. 39. The deadline to oppose Defendant's motion was May 22, 2017, and Plaintiff did not oppose the motion or otherwise respond.

This matter now comes before the Court for review of the Report and Recommendation, filed on May 26, 2017, by United States Magistrate Judge Thomas E. Rogers, III, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). ECF No. 43. The Report recommends that this case be dismissed pursuant to Fed. R. Civ. P. 41(b). *Id.* The deadline to object to the Report was June 9, 2017. Plaintiff failed to file objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Report and relevant filings. The Court notes that Plaintiff has not filed anything in this case since December 29, 2016. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation, ECF No. 43, is **ACCEPTED**, and this action is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(b).<sup>1</sup>

**IT IS SO ORDERED.**

s/Terry L. Wooten  
Chief United States District Judge

July 17, 2017  
Columbia, South Carolina

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<sup>1</sup> This Court notes that Plaintiff did not respond to the Motion for Summary Judgment filed by the Defendant. The analysis in that filing supports dismissal of this action on the merits.